

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**IN RE RC2 CORP. TOY LEAD PAINT  
PRODUCTS LIABILITY LITIGATION**

Case No. 07 C 7184

MDL No. 1893

JUDGE LEINENWEBER

**PLAINTIFFS' UNOPPOSED MOTION FOR LEAVE  
TO FILE BRIEF IN EXCESS OF FIFTEEN PAGES**

MDL Plaintiffs, for their Unopposed Motion for Leave to File Brief in Excess of Fifteen Pages, state as follows:

**I. BACKGROUND**

On January 28, 2008, Plaintiffs filed an Emergency Motion for a Preliminary Injunction Pursuant to the All Writs Act and an accompanying memorandum in support thereof (collectively the "Emergency Motion"). The memorandum was 24 pages in length and included a Declaration of Elizabeth A. Fegan with 32 attached exhibits.

On February 8, 2008, Defendants filed their Response in Opposition to Plaintiffs' Emergency Motion for a Preliminary Injunction Pursuant to the All Writs Act ("Defendants' Opposition"). Defendants' Opposition is 34 pages in length and included Declarations from Bart T. Murphy and James L. Petersen, as well as 4 exhibits. By agreement, Defendants' Opposition thereby exceeded this Court's standard fifteen (15) page limit.

In response to Defendants' Opposition, Plaintiffs are preparing and intend to file a reply brief. Plaintiffs' reply brief is also anticipated to exceed the 15-page limit imposed by Local Rule 7.1. Pursuant to Local Rule 7.1, Plaintiffs respectfully request leave to file an opposition brief in excess of 15 pages.

## **II. BASIS FOR RELIEF**

Local Rule 7.1 provides that “[n]either a brief in support of or in opposition to any motion ... shall exceed 15 pages without prior approval of the court.” Defendants’ 34-page Opposition raises new arguments particularly under the *Colorado River* and the “Rooker-Feldman” doctrines. To effectively respond to Defendants’ arguments, Plaintiffs’ reply brief is anticipated to exceed the 15-page limit set forth in Local Rule 7.1, but is expected to be less than 30 pages. Defendants’ counsel, Bart T. Murphy, does not object to the relief sought herein. Moreover, this Motion is brought in good faith for good cause and will not prejudice any party.

## **III. CONCLUSION**

For the reasons provided above, Plaintiffs respectfully request this Court grant Plaintiffs leave to file a reply brief to Defendants’ Opposition in excess of fifteen (15) pages.

Dated: February 13, 2008

Respectfully submitted

By: /s/ Elizabeth A. Fegan

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**CERTIFICATE OF SERVICE**

I, Elizabeth A. Fegan, an attorney, hereby certify that a true and correct copy of the foregoing PLAINTIFFS' UNOPPOSED MOTION FOR LEAVE TO FILE BRIEF IN EXCESS OF FIFTEEN PAGES was served on counsel via CM/ECF and counsel on the following Service List via e-mail on February 13, 2008:

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